

### **REMARKS**

In the June 26, 2009 Office Action, claims 1-5, 7, 8 and 15-17 stand rejected in view of prior art, while claims 10-14, 20 and 21 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. No other objections or rejections were made in the Office Action.

### ***Status of Claims and Amendments***

In response to the June 26, 2009 Office Action, Applicants have amended claims 1 and 7 as indicated above. Also, Applicants have added new claims 22-24. Thus, claims 1-5, 7, 8, 10-17 and 20-24 are now pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

### ***Rejections - 35 U.S.C. § 103***

In paragraph 1 of the Office Action, claims 1-5, 7, 8 and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0189274 (Lee et al.) in view of U.S. Patent No. 6,000,246 (Hsieh et al.). In response, Applicants have amended independent claim 1 to more clearly define the present invention over the prior art.

In particular, independent claim 1 now requires, *inter alia*, an opening and closing mechanism provided at the front grill and configured to move the first movable panel by the driving force of the drive portion to open and close the first opening, the opening and closing mechanism including

- a first opening and closing mechanism for moving one end of the first movable panel by the driving force of the drive portion,
- a second opening and closing mechanism for moving the other end of the first movable panel by the driving force of the drive portion, and
- a power transmission shaft for transmitting the driving force from the drive portion to the first opening and closing mechanism and the second opening and closing mechanism so that the first opening and closing

mechanism and the second opening and closing mechanism perform in synchronization,  
the opening and closing mechanism distributing the driving force from the drive portion to the first opening and closing mechanism and the second opening and closing mechanism by the power transmission shaft, and the drive portion being disposed to be deflected to one side of the first opening and closing mechanism and the second opening and closing mechanism.

Clearly this arrangement is *not* disclosed or suggested by the Lee et al. publication and/or the Hsieh et al. patent, singularly or in combination.

The Office Action acknowledges that the Lee et al. publication is silent about a transmission shaft for transmitting the driving force from the drive portion to the first opening and closing mechanism and the second opening and closing mechanism so that the first opening and closing mechanism and the second opening and closing mechanism perform in synchronization, as required by independent claim 1 as previously presented. However, the Office Action asserts that the Hsieh et al. patent accounts for this deficiency of the Lee et al. publication.

However, with respect to the Hsieh et al. patent cited in the outstanding Office Action, the driving force is transmitted from the bottom panel 2. The bottom panel 2 is disposed halfway between the right and left vertical side panels 11 and 12, not disposed to be deflected to one side of the first opening and closing mechanism and the second opening and closing mechanism. Therefore, even if combined as suggested in the Office Action, a hypothetical combination of the Lee et al. publication and the Hsieh et al. patent would not result in the unique arrangement of independent claim 1, as now amended. Accordingly, withdrawal of this rejection of independent claim 1 is respectfully requested.

Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were

known in the prior art; it must be shown that those of ordinary skill in the art would have had some "apparent reason to combine the known elements in the fashion claimed." Id. at 1741. In this case, the current record lacks any apparent reason, suggestion or expectation of success for modifying the hypothetical device created by hypothetically combining the Lee et al. publication and the Hsieh et al. patent to create Applicants' unique arrangement of the drive portion being disposed to be deflected to one side of the first opening and closing mechanism and the second opening and closing mechanism, as now required by independent claim 1. Thus, there is no reason (in the prior art or general knowledge in the art) for one of ordinary skill in the art to arrive at the present invention of independent claim 1, even if the Hsieh et al. patent can be combined with the Lee et al publication.

Moreover, Applicants believe that dependent claims 2-5, 7, 8 and 15-17 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, dependent claims 2-5, 7, 8 and 15-17 are further allowable because they include additional limitations, which in combination with the limitations of independent claim 1, are not disclosed or suggested in the prior art of record. Accordingly, Applicants respectfully request that this rejection of dependent claims 2-5, 7, 8 and 15-17 also be withdrawn in view of the above comments and amendments.

#### ***Allowable Subject Matter***

On page 5 of the Office Action, claims 10-14, 20 and 21 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

#### ***New Claims***

Applicants have added new dependent claims 22-24 by the current Amendment. New dependent claims 22-24 are believed to be allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above with respect to independent claim 1. Also, new dependent claims 22-24 include additional limitations, which are not believed to be disclosed or suggested in the prior art of record.

New claim 22 further includes a heat exchanger provided in the main body casing; and a gear provided in the power transmission shaft and disposed at the outer side of the heat

exchanger in the longitudinal direction of the indoor unit and configured to transmit the driving force to the power transmission shaft from the drive portion. In the Hsieh et al. patent the bottom panel 2 is disposed halfway between the right and left vertical side panels 11 and 12 of the knitting machine, and thus would not be disposed as claimed relative to a heat exchanger of the Lee et al. publication.

New claim 23 requires the first movable panel has upper and lower ends that both move laterally away from the front grill when the first movable panel moves from a closed position closing the first opening to an open position opening the first opening, as best shown in Figures 8(a) -8(c) of the instant application. In the Lee et al. publication, the panel merely pivots.

New claim 24 requires the first movable panel further pivots when the first movable panel moves from the closed position closing the first opening to the open position opening the first opening such that the bottom of the first movable panel is located closer to the front grill than the top of the first movable panel in the open position, and the bottom of the first movable panel and the top of the first movable panel are vertically aligned in the closed position, as best shown in Figures 8(a) -8(c) of the instant application. In the Lee et al. publication, the panel merely pivots.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-5, 7, 8, 10-17 and 20-24 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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Dated: September 24, 2009

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